
**CITY OF TEMPE
HEARING OFFICER**

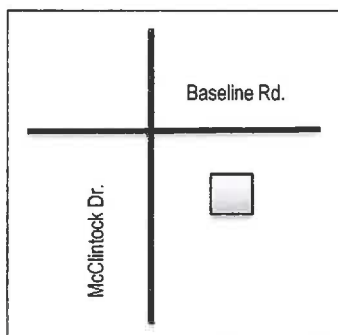
Meeting Date: 09/04/2018
Agenda Item: 11

ACTION: Request approval to abate public nuisance items at the Stefaniak Property located at 1849 E. Harvard Drive. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$547.00 for abatement request, removal of unregistered vehicle, removal of weeds in gravel/rock landscape, cutting of over-height grass, and repair of broken window on the property.

RECOMMENDATION: Staff – Approval of 180 day open abatement

BACKGROUND INFORMATION: City of Tempe – Code Compliance Section requests approval to abate items in violation of the Tempe City Code at the STEFANIAK PROPERTY. The details of this case represent several months of correspondence for compliance with the property owner. Staff requests the approval of abatement of the following nuisance items under Complaint CE183064: removal of unregistered vehicle, removal of weeds in gravel/rock landscape, cutting of over-height grass, and repair of broken window on the property.



Property Owner	Thomas Stephen Stefaniak
Applicant	City of Tempe – Code Compliance
Zoning District:	R1-6, Single-Family Residential
Code Compliance Inspector:	Ashley Nichols, Code Inspector

ATTACHMENTS: Supporting Attachment

STAFF CONTACT: Drew Yocom, Planning & Research Analyst (480-858-2190)

Department Director: Chad Weaver, Community Development Director
Legal review by: N/A
Prepared by: Barbara Simons, Code Inspector
Reviewed by: Drew Yocom, Planning & Research Analyst

COMMENTS:

Code Compliance is requesting approval to abate the Stefaniak Property located at 1849 E. Harvard Drive, in the R1-6, Single-Family Residential district. This case was initiated 05/15/2018, after which Code Compliance has attempted to obtain compliance through correspondence with the property owner regarding violations of the Tempe City Code.

Without the intervention of abatement the property will continue to deteriorate. It is therefore requested that the City of Tempe Community Development Hearing Officer approve a 180 day open abatement of this public nuisance in accordance with Section 21-53 of the Tempe City Code.

HISTORY & FACTS:

The history and facts of this case are detailed in an attached memo from the Code Compliance Inspector.



DATE: 08/03/2018
TO: Jeff Tamulevich, Code Enforcement Manager
FROM: Ashley Nichols, Code Inspector
SUBJECT: CE183064, Stefaniak Property Abatement

LOCATION: 1849 E HARVARD DR TEMPE AZ 85283
LEGAL: TEMPE ROYAL PALMS UNIT 14 PER MCR 183-44
PARCEL: 301-01-960
OWNER: THOMAS STEPHEN STEFANIAK
1849 E HARVARD DR
TEMPE AZ 85283

FINDINGS:

05/15/2018 Property was inspected and found to have grass and weeds in the front gravel landscaping. A first notice was mailed to the property owner.

05/29/2018 Code Compliance received a complaint of the grass and weeds in the gravel landscaping.

05/31/2018 The first notice that was mailed out to the property owner was returned stating the owner is deceased.

06/19/2018 Property was reinspected and found to still have grass and weeds in the front gravel landscaping as well as over height grass and weeds in the backyard and a white car in the driveway with expired plates. A final notice for all of the violations was posted to the front door of the property.

07/19/2018 Submitted a bid request for the cleanup of the property.

07/23/2018 Bid was received with an additional violation of a broken window in the back of the property that was noticed by the contractor.

08/03/2018 Posted the notice of intent to abate to the property.

PREVIOUS COMPLAINT HISTORY:

05/06/2008	CE083724	Deteriorated landscape
10/31/2008	CE087639	Deteriorated landscape
04/15/2009	CE092659	Deteriorated landscape
09/16/2009	CE095290	Deteriorated landscape
04/09/2010	CE101246	Deteriorated landscape

04/25/2011	CE111386	Deteriorated landscape
03/01/2012	CE120912	Deteriorated landscape, Unregistered vehicle
03/25/2013	CE130943	Deteriorated landscape
03/05/2014	CE141455	Deteriorated landscape
03/13/2015	CE152165	Deteriorated landscape
02/02/2016	CE160737	Deteriorated landscape, Unregistered vehicle
10/18/2016	CE167523	Deteriorated landscape
08/30/2017	CE177030	Deteriorated landscape

RECOMMENDATIONS:

I recommend an abatement of the nuisance violations at the property at 1849 E Harvard Dr., due to the property owner's failure to bring the property into compliance with Tempe City Codes 21-3.B.3, 21-3.B.8, and 21-4.A.2.E. Mr. Stefaniak has passed away with no known next of kin. The property represents a health hazard and is an eyesore to the community.

Without the intervention of the abatement the property will continue to deteriorate. I therefore make a request to the City of Tempe Community Development Hearing Officer for authorization to abate this public nuisance in accordance with section 21-53 of the Tempe City Code and authorization of multiple abatements for a period not to exceed one hundred eighty (180) days from the previous abatement order.

Respectfully submitted,

Ashley Nichols
Code Inspector

ACTION TAKEN: _____

NAME _____

DATE: _____

Subm
[Signature]
8 3 18



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

Date: 08/03/2018
Case #: CE183064

THOMAS STEPHEN STEFANIAK
1849 E HARVARD DR
TEMPE, AZ 85283

This serves as notification of the City of Tempe's intentions regarding the abatement of code violations on the following described property:

Location: 1849 E HARVARD DR TEMPE, AZ 85283
Parcel: 30101960

This office will submit this complaint to the Community Development Abatement Hearing Officer to be placed on the Hearing Officer agenda of 09/04/2018. We are requesting Hearing Officer Authorization to abate this public nuisance in accordance with Section 21-53 of the Tempe City Code by removal and repair of:

- CC 21-3.b.3 An unregistered vehicle outside of or under a roof area not enclosed.
- CC 21-3.b.8 Uncultivated weeds in gravel landscape, or a lawn higher than 12 inches.
- CC 21-4.a.2.e Broken Window.

If the violations have not been corrected within thirty (30) days, our office will proceed with the abatement process. As owner of the property, you have thirty (30) days after receipt of this letter to abate or correct any violation as described below:

- CC 21-3.b.3 Please remove the white car with expired plates from the front of the property or register the vehicle with MVD and display current plates/tags.
- CC 21-3.b.8 Please remove all of the grass and weeds from the front gravel and side rock landscaping of the property as well as trim all of the over height grass and weeds in the backyard area.
- CC 21-4.a.2.e Please replace the broken window in the back of the property.

Upon receipt of the Hearing Officer approval to abate this public nuisance, the necessary work will be performed at the expense of the property owner. The cost of this work will be **\$547.00**. In addition to the actual cost of abatement, an administrative charge of fifteen (15) percent of the actual cost of abatement or three hundred (**\$300**) dollars, whichever is greater, for expenses incurred by the City for abatement procedures, and the cost of recording liens and releases will be charged. The recorded lien may bear interest at the legal rate of judgments in the State of Arizona. Administrative charges and the cost of recording liens and releases shall become a lien on the property whether or not the public nuisance is abated by the City.

If you have questions regarding this matter, please contact our office at (480) 350-8311.

Code Inspector: Ashley Nichols
Phone Number: 480-858-2085
E-mail: Ashley_Nichols@tempe.gov



July 27, 2018

City of Tempe
Attn: Ashley Nichols
Code Inspector

RE: Revised Clean up – 1849 E Harvard Drive

Thank you for giving Artistic Land Management, Inc the opportunity to serve your landscaping needs. Below is our price to provide all labor, equipment, landfill fees, and supervision to perform the work listed below at 1849 E Harvard Drive in the City of Tempe. Please give us a call for any questions you may have at 480-821-4966.

Scope of Work

- Clean up and weed removal from front gravel landscaping and side rock area
- Pre-Emergent application
- Trimming of over height grass in the backyard
- Vehicle removal
- Secure broken window in back yard patio
- Haul off trash and debris

Total = \$547.00

Respectfully,

Jose Hernandez



COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE

05/15/2018

THOMAS STEPHEN STEFANIAK
1849 E HARVARD DR
TEMPE, AZ 85283

Case #: CE183064
Site Address: 1849 E HARVARD DR, TEMPE, AZ 85283

This is a notice to inform you that this site was inspected on 05/15/2018 and found to be in violation of the City of Tempe's Zoning and Development Code (ZDC) and/or Nuisances and Property Enhancement Ordinance, Chapter 21, Article I and/or II of the City Code (CC) as noted. Failure to comply may result in civil citation or criminal charges.

Section	Violation	
CC 21-3.b.8	Uncultivated weeds in gravel landscape, or a lawn higher than 12 inches.	
PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION		SITE REINSP ON OR AFTER
CC 21-3.b.8	Please remove all of the grass and weeds from the gravel landscaping of the property. Gravel landscaping must remain free and clear of all grass and weeds.	05/29/2018

Please contact me if you have questions or need further assistance. Thank you for your cooperation in this matter.

Ashley Nichols
Code Inspector

Direct: 480-858-2085
Code Compliance: 480-350-8372
Email: Ashley_Nichols@tempe.gov

Please Note: In the event of more than one violation occurring at this property in a calendar year, the property owner may be assessed a reinspection fee of \$75.00 pursuant to City Code Section 21-51, subsection (b).

Civil and Criminal Penalties

City Code: Section 21-3, subsections (b) 1-8, and 17-19; Sections 21-4; 21-13; Section 21-38, subsections (a-k) and (m-q): 1st occurrence \$170 (commercial), \$200 (residential) per violation, 2nd occurrence \$420 (commercial), \$300 (residential) per violation, 3rd occurrence \$820 (commercial) \$400 (residential) per violation | Sections 21-31; 21-32; 21-33; 21-35; 21-36: 1st occurrence \$300 per violation, 2nd occurrence \$500 per violation, 3rd occurrence \$700 per violation | Section 21-3, subsections (b) 9-16 and 20; Sections 21-34, 21-37; Section 21-38, subsection (l): 1st occurrence \$300 per violation, 2nd occurrence \$700 per violation, 3rd occurrence \$1,000 per violation. | Section 21-25: \$1,000 per violation plus an additional \$100 for each month after the date of the original violation until compliance occurs. | Section 21-4 (b) Habitual Offender: 1st occurrence \$550 in addition to other fines, 2nd occurrence \$1,050 in addition to other fines, 3rd occurrence, \$1,550 in addition to other fines. | Zoning and Development Code: 1st occurrence \$170 per violation, 2nd occurrence \$420 per violation, 3rd occurrence \$820 per violation | The city has authority to abate the violation should the owner neglect, fail or refuse to correct the violation within 30 days and to assess a lien against the property for the cost of the abatement. | The city prosecutor is authorized to file a criminal class 1 misdemeanor complaint in the Tempe Municipal Court for violations of these codes.



COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
FINAL CORRECTION NOTICE

06/19/2018

THOMAS STEPHEN STEFANIAK
1849 E HARVARD DR
TEMPE, AZ 85283

Case #: CE183064
Site Address: 1849 E HARVARD DR, TEMPE, AZ 85283

This is a notice to inform you that this site was inspected on 06/19/2018 and found to be in violation of the City of Tempe's Zoning and Development Code (ZDC) and/or Nuisances and Property Enhancement Ordinance, Chapter 21, Article I and/or II of the City Code (CC) as noted. Failure to comply may result in civil citation or criminal charges.

Section	Violation	
CC 21-3.b.3	An unregistered vehicle outside of or under a roof area not enclosed.	
CC 21-3.b.8	Uncultivated weeds in gravel landscape, or a lawn higher than 12 inches.	
PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION		SITE REINSP ON OR AFTER
CC 21-3.b.3	Please remove the white car from the front of the property or register the vehicle with MVD and display current plates/tags.	07/03/2018
CC 21-3.b.8	Please <u>remove</u> all of the grass and weeds from the <u>front</u> gravel landscaping of the property as well as <u>trim</u> all of the over height grass and weeds in the <u>backyard</u> area.	07/03/2018

IF NOT IN COMPLIANCE BY 07/03/2018, A \$400 CITATION MAY BE ISSUED.

Please contact me if you have questions or need further assistance. Thank you for your cooperation in this matter.

Ashley Nichols
Code Inspector

Direct: 480-858-2085
Code Compliance: 480-350-8372
Email: Ashley_Nichols@tempe.gov

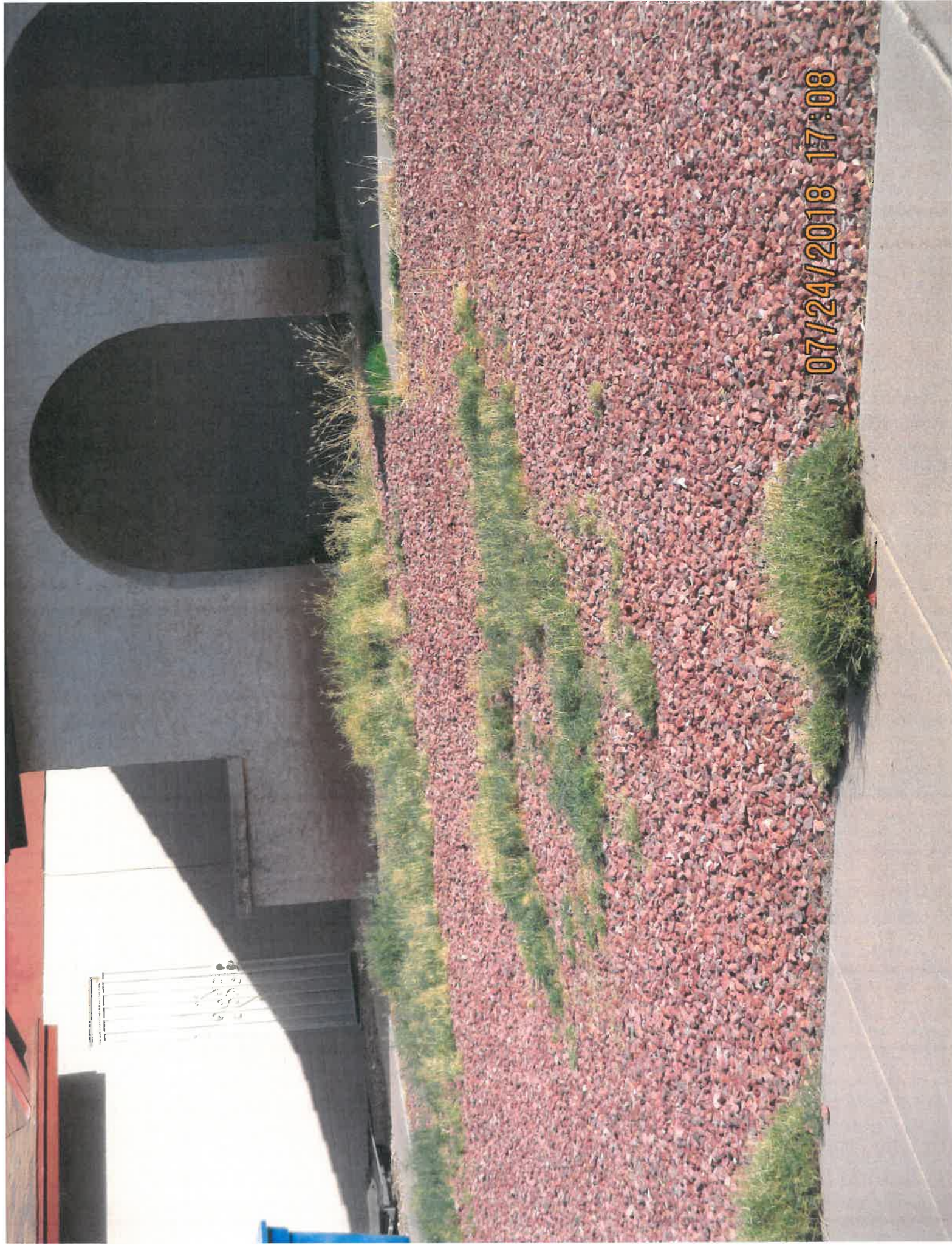
Please Note: In the event of more than one violation occurring at this property in a calendar year, the property owner may be assessed a reinspection fee of \$75.00 pursuant to City Code Section 21-51, subsection (b).

Civil and Criminal Penalties

City Code: Section 21-3, subsections (b) 1-8, 17-19 and 21; Sections 21-4; 21-13; Section 21-24; Section 21-38, subsections (a-k) and (m-q): 1st occurrence \$200 per violation, 2nd occurrence \$300 per violation, 3rd occurrence \$400 per violation | Sections 21-31; 21-32; 21-33; 21-35; 21-36: 1st occurrence \$300 per violation, 2nd occurrence \$500 per violation, 3rd occurrence \$700 per violation | Section 21-3, subsections (b) 9-16 and 20; Sections 21-34, 21-37; Section 21-38, subsection (l): 1st occurrence \$400 per violation, 2nd occurrence \$700 per violation, 3rd occurrence \$1,000 per violation. | Section 21-4 (b) Habitual Offender: 1st occurrence \$550 in addition to other fines, 2nd occurrence \$1,050 in addition to other fines, 3rd occurrence, \$1,550 in addition to other fines. | Section 21-25: \$1,050 per violation. | Zoning and Development Code: 1st occurrence \$170 per violation, 2nd occurrence \$420 per violation, 3rd occurrence \$820 per violation | The city has authority to abate the violation should the owner neglect, fail or refuse to correct the violation within 30 days and to assess a lien against the property for the cost of the abatement. | The city prosecutor is authorized to file a criminal class 1 misdemeanor complaint in the Tempe Municipal Court for violations of these codes.

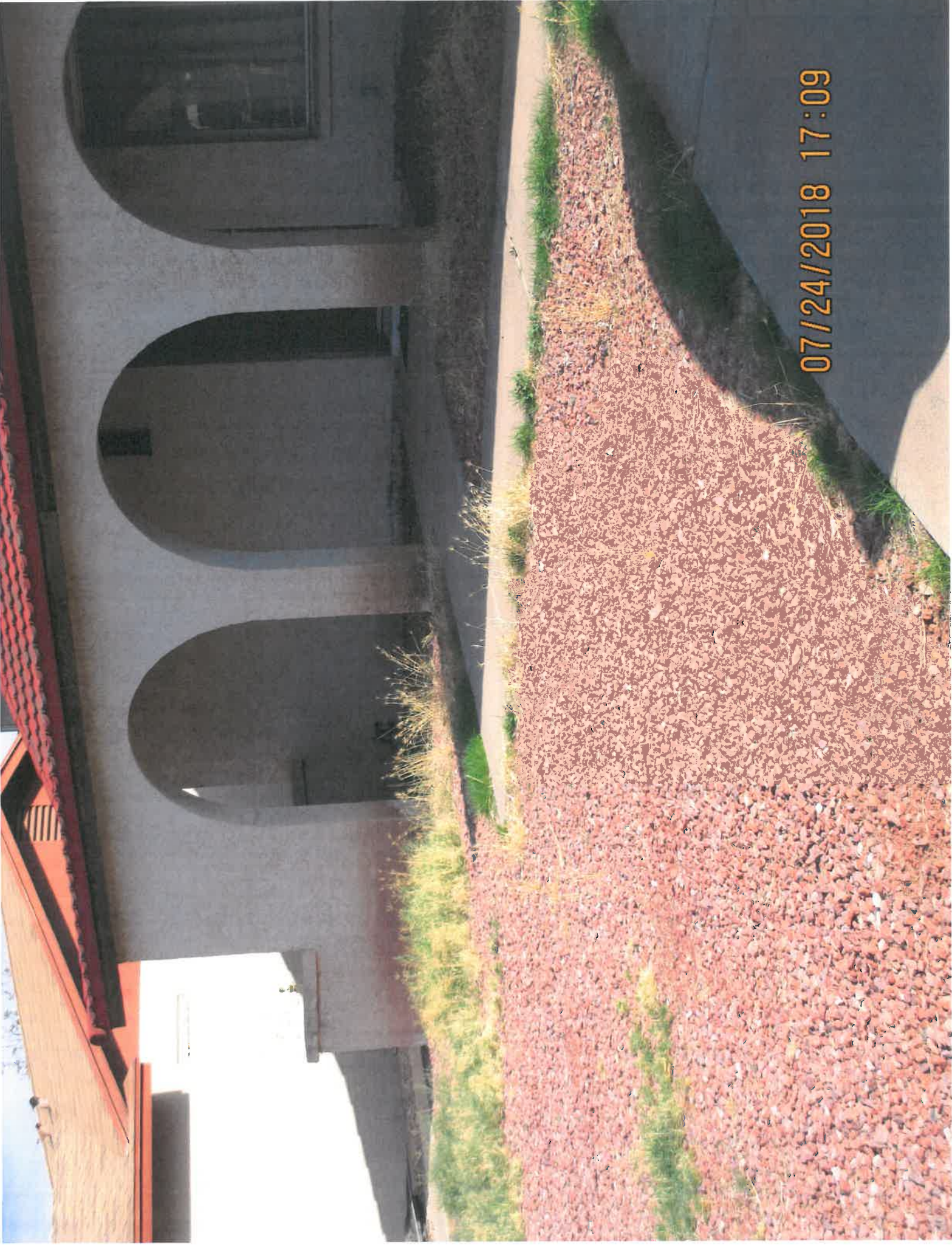


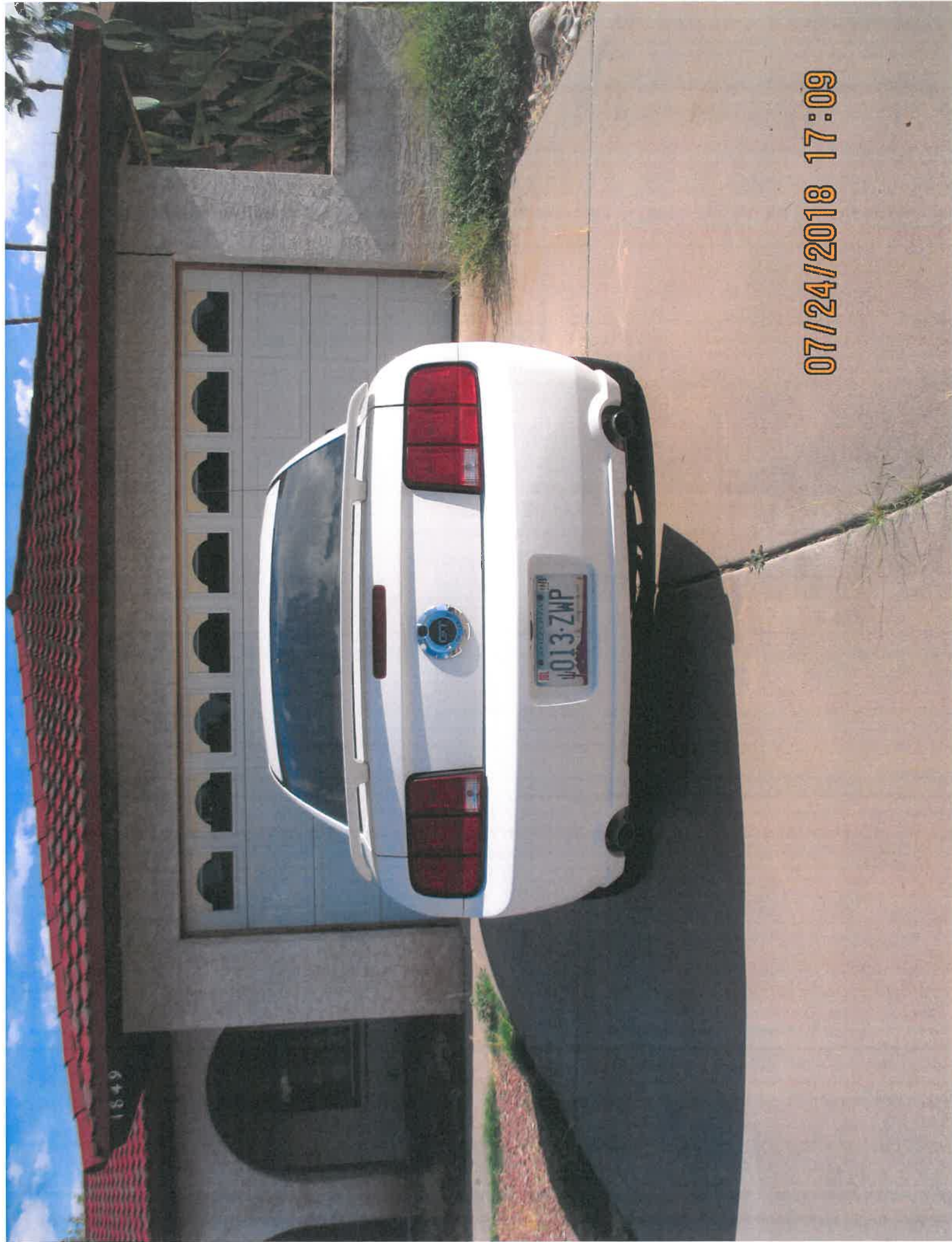
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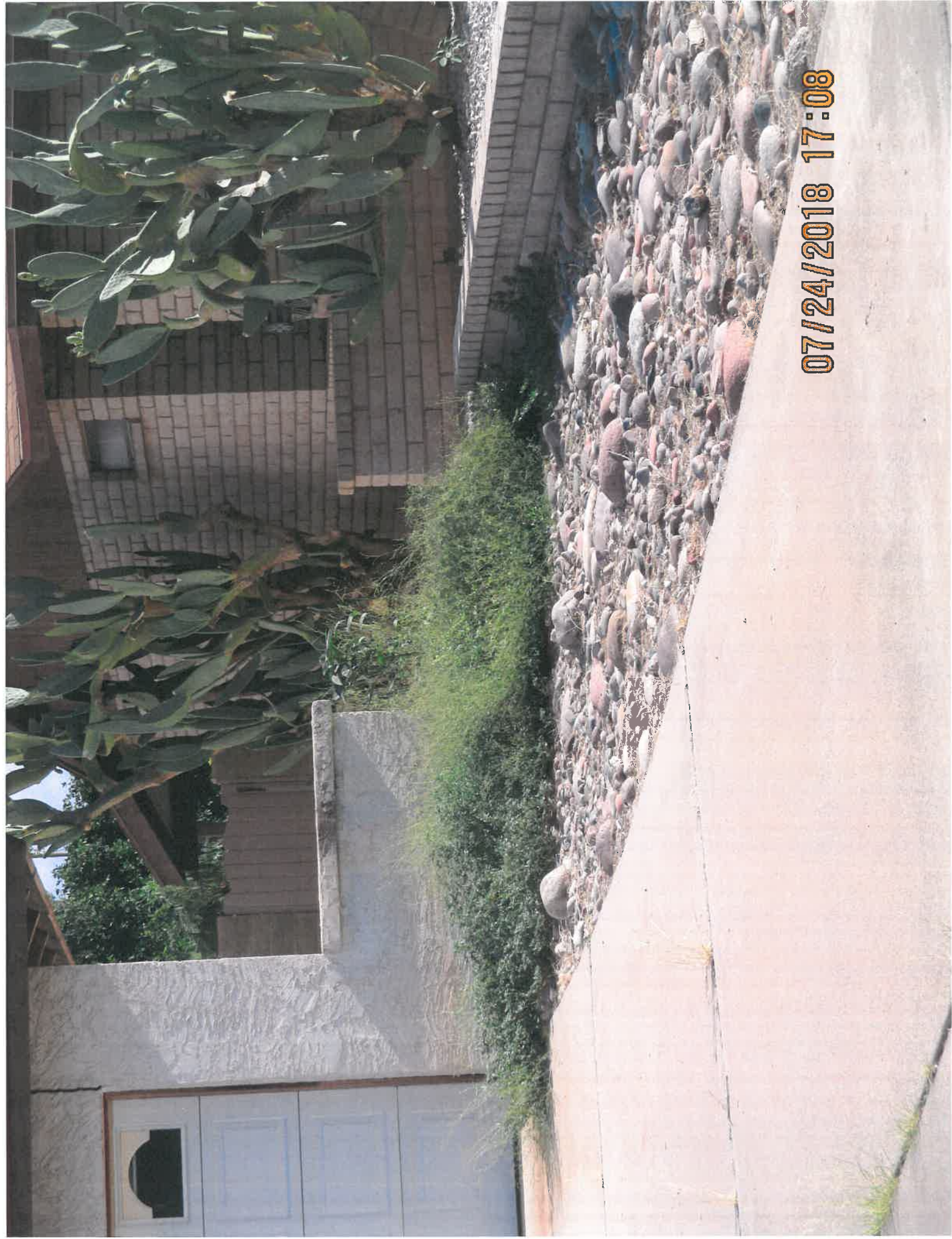




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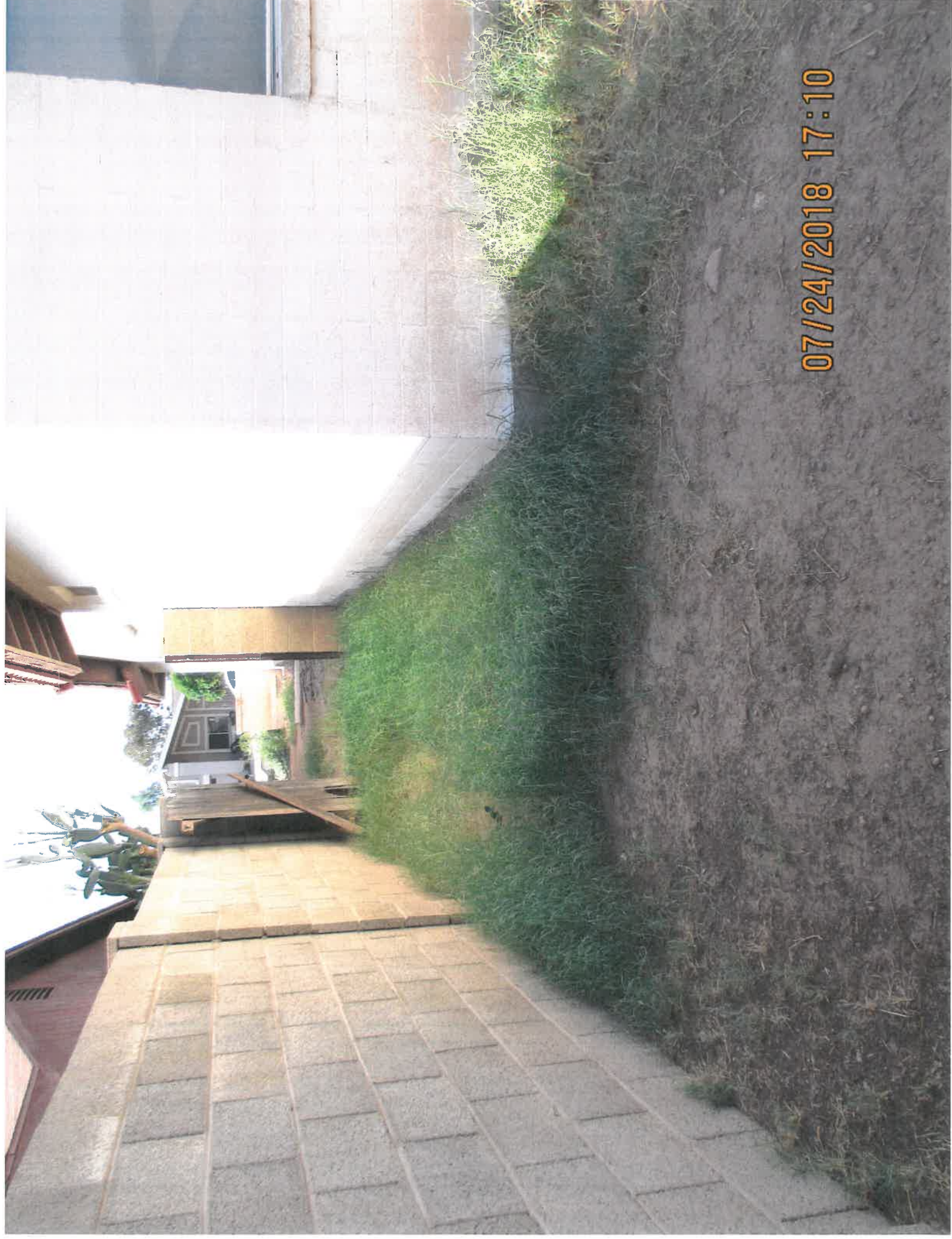
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